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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/826,779 | 04/05/2001 | Nora Sarvetnick | 18427-001 CON (SCRIPPS-1) | 1078 |

30623 7590 06/17/2003

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EXAMINER

SAUNDERS, DAVID A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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1644

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 1644

Amended claims 13-17 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Applicant has amended claim 13 from a diagnostic/detection method to a cell separating method. These are completely different methods. Completely new searches would be required and a complete reconsideration of the IDS would be required for proper examination.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 13-17 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The amendment filed on 3/28/03 replacing all claims drawn to an elected invention with claims drawn to a non-elected invention is non-responsive (MPEP § 821.03).

Additionally, the amendment filed 3/28/03 is nonresponsive because, (1) it does not include a copy of each pending claim and (2) it has not underlined "(C)" in claim 13.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A. Saunders whose telephone number is 703-308-3976.

Art Unit: 1644

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan, can be reached on (703) 308-3973.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

6/13/03 DAS

David A. Saunders
DAVID SAUNDERS
PRIMARY EXAMINER
ART UNIT ~~182~~ 1644